

**TOWN OF BOW MAR, COLORADO  
BOARD OF TRUSTEES  
MINUTES OF THE MEETING OF APRIL 18, 2011**

**CALL** The regular meeting of the Board of Trustees of the Town of Bow Mar was called for Monday, April 18, 2011, Mayor Rick Pilgrim presiding. The meeting was held at No. 2 Middlefield Road, Columbine Valley, Colorado.

A quorum was declared present at 7:02 p.m.

<b>PRESENT</b>	Mayor	Rick Pilgrim
	Trustees	Merle McKittrick
		John Giese
		Gary Guilford
		Elizabeth Tulloch
		Carrie McLaughlin - absent
		Rick Wilkins
	Attorney	Hugh Gottschalk
	Clerk/Treasurer	Karen Reutzel
	Police Chief	Bret Cottrell
	BMOI Rep.	None
	Citizens	Mike McLaughlin, Anne Justen, Alicia Guerra, Jonathan Bush, Chuck Pratt

Mayor Rick Pilgrim led the group in the Pledge of Allegiance. The March Minutes and Treasurer's Report were approved. Wilkins/Giese/Unanimous.

**Public Comment** - Three residents spoke in favor of an ordinance change to permit small flocks of hen chickens for egg-laying purposes and stated the desire that the Town move forward with its process despite the covenant issue involving BMOI. A fourth resident was interested in staying informed on the chicken hen issue.

Mayor Pilgrim explained the differences between the two enforcement bodies of the Town and BMOI and asked Town Attorney Gottschalk to give an overview of the process required to amend the BMOI covenants.

**Commissioner Reports-**

Public Safety Commissioner Gary Guilford and Police Chief Bret Cottrell reported that there were 76 summons issued in March, with 39 in Bow Mar, 7 arrests and 23 calls for service. There was a series of car break-ins (these are noted as criminal trespass on the Police report) and an auto theft on Wagon Trail. The police have no leads at this time. There is a suspicion that these were related to a series of break-ins near Wilder Elementary School and Columbine. The police are working with Littleton Public Schools and the Arapahoe County Sheriff with regard to these incidents. The police have

good vehicle and suspect descriptions. Vehicle descriptions will be provided to the Town and posted on the website. Jurisdictional issues have delayed the appeal on the traffic case asserting a boundary dispute. It was noted that an IGA between the City and County of Denver and Bow Mar may be necessary to resolve the issue.

Finance Commissioner John Giese reported on the March and 1<sup>st</sup> Quarter financial statements. Revenue for March totaled \$62,070.93. Expenses were \$28,992.62 for a total net income of \$33,171.31. 1<sup>st</sup> quarter revenues versus expenditures resulted in a net loss of \$1,991.00. It was noted that the net loss was less than that budgeted for the 1<sup>st</sup> Quarter. The financial statements were approved by the Board.  
Tulloch/Guilford/unanimous.

Building Commissioner Elizabeth Tulloch presented the March Building Report. There were 4 permits issued for a total of \$2,848.75. Payables for inspection fees total \$1,112. The new home on Juniper has been delayed by the drainage plan (now revised and approved) and changes in the building plan which has also been revised and approved. There are a number of interior remodel projects coming up in the next few months.

Parks & Recreation Commissioner John Giese reported in Commissioner Carrie McLaughlin's absence. Vegetation Management has been retained again this year to do weed spraying in Town open space areas. They also do BMOI. Mayor Pilgrim asked if a plan had been completed yet for replanting the area at the far north end of Bow Mar Drive that was disturbed during the Water & San District construction – the Town has received \$1,500 for the project.

Public Works Commissioner Merle McKittrick informed the Board he obtained bids to correct the pothole areas around Town – some major areas along Wagon Trail, plus other on Prospect, Bow Mar Drive and elsewhere. The Board approved the retention of the low bidder, Metro Pavers, to proceed with pothole repairs at a contracted price of \$9,113.00. McKittrick/Wilkins/unanimous. Mr. McKittrick also reported that there is a significant area along Sheridan that needs to be crack sealed. He is expecting a check from XCEL of \$125 to reimburse the Town for sign repair.

Intergovernmental Commissioner Rick Wilkins reported that he is finding the DRCOG meetings to be informative.

Clerk Comments Town Clerk/Treasurer Karen Reutzel explained that the Town's insurance policies had come up for renewal on the first of April and described some enhancements to coverage. The new premium is less than what was budgeted for 2011. Ms. Reutzel requested authority to move the bond fund monies from CSAFE to a new account at 1stBank to facilitate and streamline monthly transfers to the bond fund. The 1stBank account would be a PDPA approved account just as is the CSAFE account. The Board authorized the transfer. She also reminded the Board that we need certificates of insurance for all subcontractors retained. The Town must be named an additional insured with minimum coverage of \$1,000,000.

**Attorney Comments** Town Attorney Gottschalk had no further comments.

**Mayor's Report** Mayor Rick Pilgrim made note of some events that the Trustees might be interested in attending. He also discussed organizing a thank you event for former Town Clerk/Treasurer Pat Hoffman after 23 years of service is completed this summer. He reported he attended the DRCOG live/work/play reception which was enjoyable.

**BMOI Report** No Report - BMOI's meeting was not scheduled to occur until Thursday April 21. Commissioner Tulloch will be attending.

### **Old Business**

King Property Development Update – Mayor Pilgrim reported on the current status of the development approval process. He has responded by letter to the developer's preliminary response to the Town's comment letter to the initial preliminary plat application (which partial response primarily addressed zoning issues). The developer's consultant Jim Vasbinder of Etkin Johnson was concerned that the Town's response was slow, which Mayor Pilgrim explained was the result of his vacation. The letter clarified the Town's position that zoning won't occur until the time of final plat. He also spoke by phone with Bob Eckleberry. Although Mr. Eckleberry expressed concern that the Town might be reluctant to move forward with the application, Mr. Pilgrim assured him this was not the case but the Town's response was delayed by his absence. He also reminded Mr. Eckleberry that there are a number of other comments which require a response and that the escrow account needs to be replenished. Overall, Mr. Eckleberry has been pleased with the process.

Long Range Road Plan/Master Drainage Plan Update – Commissioner McKittrick reported he will have a report from the Town engineer to present at the May Trustee's meeting. Vision Land Consultants are preparing to do sample core drilling later this week. Mayor Pilgrim requested that Mr. McKittrick, with the assistance of the Town Clerk, put together an overlay schedule, showing the election schedule, bonding/financing schedule, Master Plan schedule, and Citizen's review committee schedule in the event a bond measure is deemed appropriate to finance the Master Plan.

Second Reading and Discussion regarding Proposed Ordinance to Permit Keeping of Live Chickens at Residential Properties in Town – Town Attorney Gottschalk presented the second draft of the proposed ordinance. The only change was to increase the permit fee from \$35 to \$75 dollars. He explained there were other revisions discussed which were not incorporated because he did not have a clear mandate on the issues. A provision related to damage by neighboring dogs was likely unenforceable and he did not have clear direction on a proposed sunset provision.

Mayor Pilgrim explained that the Board had several options: 1) to continue to move forward with the proposed ordinance process 2) to stop the process now, or 3) to caucus with BMOI. He further suggested the taking of a straw vote. Mr. Gottschalk advised that

the Trustees should think about how the Town should proceed with regard to chickens because covenants are much more difficult to enforce than a Town ordinance.

Mr. Guilford expressed that some BMOI covenants have not been enforced in the past. Ms. Tulloch would prefer to talk to BMOI and get a sense of what they are thinking before taking further action. It was noted that BMOI would meet three days after the Trustees meeting. Mr. Giese noted that BMOI President Jane Carlson was at the last meeting and expressed that she would be talking to her Board. Mr. Wilkins advocated moving ahead with a straw vote.

A straw vote was held with the following result: Yes – we want to change the ordinance and continue to work on a new ordinance in some fashion – Tulloch, Giese, Guilford, McKittrick. No – drop the effort – Wilkins.

The Board agreed that a 2 year sunset provision to the ordinance would be useful. Ms. Tulloch advocated that there needs to be some sort of review of the coop, because it is a structure on the land. Fencing, distance from main building and setbacks need to be determined. Discussion ensued regarding a coop being similar to a shed or a dog run. Mr. Gottschalk will review the current shed process to determine if something additional would be required. He will email the current ordinance to everyone along with a revised version. Mr. Pilgrim suggested two parts of a two-year sunset provision – part one – the whole subject comes back to the board for reconsideration. Part two – an individual permit can be revoked if the owner does not keep in compliance with the ordinance. Mr. Gottschalk advised the second option could also be handled as a code violation and ticketed by the police.

#### Discussion and Possible Action to Approve Proposed Allied Waste Franchise Agreement

Final approval of a new agreement with Allied Waste is pending review by Town Attorney. Commissioner Wilkins noted he would like to get the agreement in place soon because part of the offer includes roll-offs to BMOI for beach clean-up. It was noted that Allied Waste would likely provided the roll-offs in the absence of a final contract if a contract is imminent. The Board also discussed the feasibility of entering into a franchise agreement with Allied Waste and collecting franchise fee back from them to offset damage to the Town's roads. The Trustees also discussed the option of the Town paying for the service and adding the cost to property taxes, which would require an election. The Town would have to front the money for the first year. Mr. Gottschalk pointed out that he could draft a franchise fee ordinance in advance of entering into the contract. The Board decided to table the issue until next month pending further review of a franchise arrangement.

Discussion and Possible Action to Approve Proposed IGA with City of Sheridan re: Animal Control Services. – The Board approved moving forward and entering into the proposed IGA with the City of Sheridan to provide animal control services on an as-needed basis. Guilford/Giese/4-0-1/Tulloch abstains due to her absence last month. The

Town of Columbine Valley also entered into such an agreement so the police department will have a common source to request assistance.

### **New Business**

Discussion and Possible Action regarding Complaints Concerning Off-Leash and Uncontrolled Dogs – Commissioner Elizabeth Tulloch reported on a complaint from a resident about a loose dog who almost knocked the resident's wife over while they were out for a walk. She has also heard other complaints about dogs off-leash and not under control from other residents. Town Attorney Gottschalk noted that when dog issues arise between neighbors, the concerned neighbor should talk to the dog owner as a first step, and if that fails to resolve the issue, they should talk to the police. Although there is no leash law currently in Bow Mar, dogs off-leash need to be under their owner's voice command. The Board discussed that the appropriate ordinances are probably already in place and the police can enforce them when necessary. It was further determined that a friendly reminder in the Bulletin would be appropriate.

Study Committee Report Re: Net Asset Decline – Commissioners Giese and Wilkins reported on the results of the study committee they formed to evaluate and make recommendations regarding the decline in Town net assets over the past few years. Resident Tom Deats also serves on the committee. A key observation of the Trustees is that the annual budget depends heavily on building permit revenue. The problem with this source is that year-to-year revenue is highly variable and is not very predictable. The Trustees and Mayor concluded that a more predictable method of developing the annual budget is needed. The committee submitted a written report with their conclusions.

Among the different concepts, the committee suggested that building permit fees be taken out of the yearly budget and instead be used to build a general fund stabilization reserve account. The Town might also explore additional sources of revenue such as a franchise agreement with Allied Waste, a use tax and/or a sales tax on materials used in construction in Town and perhaps some amount on large items such as motor vehicle purchases. The committee emphasized that the purpose would not be to just raise additional money, but to stop the continued draw down of reserves to maintain Town facilities. Another recommendation would be to re-categorize and consolidate income and expense categories in the financial statements to make the statements easier to read and determine cash flow. A further suggestion was to consider the financial impact of the bond fund and whether the 3.9 mill levy might be extended once the bond is paid off at the end of 2014 to finance other infrastructure items.

Variance Request – Resident Mike McLaughlin appeared to discuss a variance request to extend the garage of his home towards the street by 8 feet. Commissioner Tulloch reported she had not received any documentation from the ACC and the variance request has not been posted yet. Therefore, the prerequisites for considering the matter at the meeting were not met. Mayor Pilgrim explained that it was a substantial encroachment so time needs to be taken with the proposal. It will be introduced in May, with a vote in June.

**Adjournment**      There being no further business the meeting was adjourned at 9:12 p.m. Giese/McKittrick/Unanimous. The next Regular Meeting is scheduled for May 16, 2011 at No. 2 Middlefield Road, Columbine Valley, CO. The meeting will begin at 7:00 p.m.

  
Richard D. Pilgrim, Mayor

  
Karen V. Reutzel, Town Clerk and Treasurer